

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALLEN EUGENE HARRIS,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA,

Respondents.

Civil Action No. 10-73 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on March 29, 2010, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 17], filed on September 1, 2010, recommended that Petitioner's petition be dismissed for failure to prosecute. Petitioner was allowed fourteen (14) days from the date of service to file objections and service was made on Petitioner by certified mail. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 22nd day of September, 2010;

IT IS HEREBY ORDERED that the Petitioner's petition is DISMISSED for failure to prosecute.

The Report and Recommendation [Doc. No. 17] of Magistrate Judge Baxter, filed on September 1, 2010, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge